



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

May 14, 2018

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Subject: FERC 4787 – Pejepscot Hydroelectric Project
Proposed Study Plan Comments

Dear Ms. Bose:

On December 27, 2017, the Maine Department of Environmental Protection (MEDEP or Department) provided comments and study requests in response to a Pre-Application Document for the Pejepscot Hydroelectric Project on December 27, 2017. On February 12, 2018, the Department received a Proposed Study Plan for the Project, located on the Androscoggin River in Topsham, Maine. In addition to reviewing the Proposed Study Plan, Department staff attended a study plan meeting on March 22, 2018.

The proposed relicensing is subject to the Water Quality Certification provision of Section 401 of the Federal Water Pollution Control Act (a.k.a. Clean Water Act). By Executive Order of the governor of the State of Maine, the Maine Department of Environmental Protection is the State certifying agency for projects located wholly or in part in organized towns and cities, and, as such, has jurisdiction over the Pejepscot Hydroelectric Project.

The Pejepscot facility consists of a 560-foot-long, 48-foot-high rock and gravel filled timber crib structure, topped with a 5-foot-thick reinforced concrete slab; a spillway with five bascule gates; a powerhouse containing three turbine-generators and a second powerhouse with one turbine and generator; a vertical fish lift; a downstream fish passage facility; a 225-acre impoundment at full pool elevation of 67.5 feet; and appurtenant facilities. Formal and informal recreation facilities associated with the project include impoundment boat launches and fishing access.

General Comments

The Department appreciates the efforts of the applicant and their consultants in considering study requests of the resource agencies, and in preparing the Proposed Study Plans for the Project. Project Study Plans should be developed to evaluate the impact of Project operations on water quality and the data collected should be targeted to demonstrate that water quality standards, including designated uses and both narrative and numeric criteria, are met within the Project boundary.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

The applicant has proposed to conduct the water quality studies requested by the Department, including an Impoundment Trophic State Study, a Temperature and Dissolved Oxygen Study, and a Benthic Macroinvertebrate Study. The Department has the following comments on the Proposed Study Plan:

Section 7.1.1 Water Quality Assessment,

1. Trophic State Impoundment Survey, Water Sample Collection. The study plan proposal is in accordance with the Department's sampling protocols and is expected to provide data sufficient for an assessment of the impact of facility operations on the Project's impounded waters.
2. Continuous Tailwater Monitoring Survey. The applicant's study plan proposal substantially follows the Department's sampling protocols, however specifies that sampling would likely occur during a 9-week period of low flow, from July 1 to August 31. The Department's protocol indicates that sampling should be conducted during the summer when low flow is coupled with daily average water temperatures exceeding 24 degrees Celsius. The Department recognizes the likelihood that water temperatures may be highest during the months of July and August, however the study plan should target a period when the water temperature and flow characteristics both meet the sampling protocol, to ensure that the sampling effort collects data representative of target conditions. When reviewing both flow and temperature, the applicant may find that the window of optimal DO monitoring may occur from July through August, or may shift to mid-July to mid-September (or even later), depending on weather, precipitation and other factors.
3. Tailwater Benthic Macroinvertebrate Study. The study plan proposed by the applicant conforms with the Department' sampling protocols and is expected to provide data sufficient to evaluate the impact of facility operations on the biotic community. MEDEP notes that while it has agreed that it may waive the requirement for sample evaluation by a professional freshwater macroinvertebrate taxonomist who is certified by the Society of Freshwater Science, a waiver should be sought prior to collecting the samples.

The Department appreciates the effort that went into developing the water quality study plans for the Pejepscot Project and believes that this plan will provide data sufficient to evaluate any impacts to water quality caused by Project operations. We appreciate the opportunity to review and comment on the proposed plans. If you have any questions, please contact me by phone at (207) 446-2642, or by email at Kathy.Howatt@maine.gov.

Sincerely,



Kathy Davis Howatt
Hydropower Coordinator
Bureau of Land Resources

Letter to K.Bose
(May 14, 2018)
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Cc: Kelly Maloney and Frank Dunlap, Topsham Hydro Partners Limited Partnership
Kirk Smith, Gomez and Sullivan Engineers